

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

IN RE:

PAUL F. VOORHEIS  
GLENDA F. VOORHEIS

Debtors

Case No. 11-42915  
Chapter 7

**SECOND MOTION TO SELL NOTES**

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

COMES NOW, Mark A. Weisbart, Chapter 7 Trustee for the estate of Paul F. Voorheis and Glenda F. Voorheis, and pursuant to 11 U.S.C. § 363(f)(3), (4) and/or (5) and Fed.R.Bankr.P. 6004(c), files this Second Motion to Sell Notes (the “Motion”), and in support hereof, would show the court as follows:

1. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 1334 and 157. This matter involves the sale of property of the estate and, thus, constitutes a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (N).
2. On September 26, 2011 (the “Petition Date”) Paul F. Voorheis and Glenda F. Voorheis (“Debtors”) filed a voluntary petition under Chapter 7 of Title 11 of the United States Code (the “Bankruptcy Code”) commencing the above-referenced bankruptcy proceeding. Movant is the Chapter 7 Trustee appointed in this case.
3. The principal asset of this estate are the rights of the bankruptcy estate under two (2) promissory notes executed or assumed by Ronald and Marilyn Koland which are secured by certain

real property and improvements located in Hill County, Texas (the “Notes”).

4. The current balance due the estate under the Notes is approximately \$31,842.00. The final note payment is due April 1, 2020.

5. On September 22, 2014, the Court entered an order authorizing the sale of the Notes to Ronald and Marilyn Koland (the “Purchasers”) for \$31,651.75 predicated on the sale closing within thirty (30) days following Court approval. Purchasers have failed to close and Trustee believes Purchasers cannot obtain financing to fund the Purchase Price.

6. Trustee therefore requests authorization to market and sell the Notes for the highest cash price possible. Trustee proposes to solicit bids from parties who have contacted him about acquiring estate assets. Trustee reserves the right to reject any bid he receives.

7. Trustee believes that marketing and selling the Notes in this fashion is in the best interest of the estate since it will allow for the estate to be closed in a timely fashion and will avoid the risk of default and additional legal proceedings.

WHEREFORE, premises considered, Trustee prays that the Court enter an order pursuant to 11 U.S.C. § 363(f) authorizing him to sell the Notes as described above and grant him such other and further relief to which he is justly entitled.

Respectfully Submitted,

/s/ Mark A. Weisbart  
Mark A. Weisbart  
Texas Bar No. 21102650  
THE LAW OFFICE OF MARK A. WEISBART  
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COUNSEL FOR CHAPTER 7 TRUSTEE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing instrument was served on the attached mailing matrix either through the Court's electronic notification system as permitted by Appendix 5005 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, this the 27<sup>th</sup> day of February, 2015.

/s/ Mark A. Weisbart  
Mark A. Weisbart

Label Matrix for local noticing  
0540-4  
Case 11-42915  
Eastern District of Texas  
Sherman  
Fri Feb 27 15:00:32 CST 2015

PO Box 5010  
Carol Stream, IL 60197-5010

Advanta Credit Cards  
PO Box 844  
Spring House, PA 19477-0844

Ally Financial  
200 Renaissance Center  
Detroit, MI 48243-1300

American InfoSource LP as agent for  
First Data Global Leasing  
PO Box 248838  
Oklahoma City, OK 73124-8838

Bank of America  
PO Box 15311  
Wilmington, DE 19850-5311

Bank of America  
PO Box 1598  
Norfolk, VA 23501-1598

Bank of America  
PO Box 17054  
Wilmington, DE 19850-7054

Patti H. Bass  
Bass & Associates  
3936 E. Ft. Lowell Rd. Suite 200  
Tucson, AZ 85712-1083

Chase  
PO Box 15298  
Wilmington, DE 19850-5298

Chase Bank USA, N.A.  
PO Box 15145  
Wilmington, DE 19850-5145

Compass Bank  
15 South 20th Street  
Birmingham, AL 35233-2011

Compass Bank  
P.O. Box 201347  
Arlington, TX 76006-1347

(p)COMPASS BANK  
AL BI-HW REC  
PO BOX 10566  
BIRMINGHAM AL 35296-0002

(p)CREDIT UNION OF TEXAS  
P O BOX 515718  
DALLAS TX 75251-5718

Credit Union of Texas  
PO Box 515169  
Dallas, TX 75251

Discover Bank  
DB Servicing Corporation  
PO Box 3025  
New Albany, OH 43054-3025

(p)DISCOVER FINANCIAL SERVICES LLC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

Discover/Sams Club  
PO Box 3005  
New Albany, OH 43054-3005

(p)BANK OF AMERICA  
PO BOX 982238  
EL PASO TX 79998-2238

FIA Card Services NA  
4060 Ogletown/Stanton Rd.  
Newark, DE 19713

First Data  
265 Broad Hollow Road  
Melville, NY 11747-4833

GE Capital Retail Bank  
c/o Recovery Management Systems Corp  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

GE Money Bank/Tuff Shed  
PO Box 981439  
El Paso, TX 79998-1439

GE Money Bank/Walmart DC  
PO Box 965005  
Orlando, FL 32896-5005

HSBC Bank Nevada, N.A.  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Road, Suite #200  
Tucson, AZ 85712-1083

HSBC/Northern  
PO Box 15521  
Wilmington, DE 19850-5521

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Midland Funding LLC  
By its authorized agent Recoser, LLC  
25 SE 2nd Ave, Suite 1120  
Miami, FL 33131-1605

Christopher J. Moser  
Quilling Selander Lownds Winslett Moser  
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Dallas, TX 75201-3070

Office of the U.S. Trustee  
110 N. College Ave., Suite 300  
Tyler, Texas 75702-7231

PNC Mortgage  
3232 Newmark Drive  
Miamisburg OH 45342-5433

PNC Mortgage  
6 North Main Street  
Dayton, OH 45402-1908

Recovery Management Systems Corporation  
25 S.E. Second Avenue  
Suite 1120  
Miami, FL 33131-1605

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25 S.E. 2nd Avenue, Suite 1120  
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Texas Hospital Guide Medical Pub.  
PO Box 489  
Riesel, TX 76682-0489

U.S. Attorney General  
Department of Justice  
Main Justice Building  
10th & Constitution Ave., NW  
Washington, DC 20530-0001

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Josaphine, TX 75164-0485

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PO Box 485  
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Mark A. Weisbart  
The Law Office of Mark A. Weisbart  
12770 Coit Road, Suite 541  
Dallas, TX 75251-1366

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Compass Bank Visa  
15 South 20th Street  
Birmingham, AL 35233

Credit Union of Texas  
P.O. Box 515718  
Dallas, TX 75251-5718

Discover Financial Services LLC  
PO Box 15316  
Wilmington, DE 19850

FIA CARD SERVICES, N.A.  
PO Box 15102  
Wilmington, DE 19886-5102

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Chase Bank USA, N.A.

(d)Mark A. Weisbart  
The Law Office of Mark A. Weisbart  
12770 Coit Road, Suite 541  
Dallas, TX 75251-1366

End of Label Matrix	
Mailable recipients	40
Bypassed recipients	2
Total	42